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EXAMINER				
CORRIELUS, JEAN M				
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2162				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/826,121

Applicant(s)

LEE ET AL.

Examiner

Jean M. Corielus

Art Unit

2162

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-9, 11-14, 29-32, 35-37, 39-43 and 45-52 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-4, 7-9, 11-14, 29-32, 35-37, 39-43 and 45-52 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the Request for Continued Examination filed on October 30, 2008, in which claims 1-4, 7-9, 11-14, 29-32, 35-37, 39-43 and 45-52 are presented for further examination.

Response to Arguments

2. Applicant's arguments filed on October 10, 2008 have been fully considered but they are not persuasive. (See examiner remark).

Remark

3. Applicant asserted that claim 1 defines a unique identification identifies the users and their access to the different databases, wherein different users only get access to different subset of the whole database, wherein the customer management tool allows access and manipulation of customer and product databases by different representatives, this is not disclosed or suggested by the cited prior art. The examiner disagrees with the precedent assertion. Such limitation that the applicants is argued is part of the privilege access disclosed by the prior art, wherein record is accessed by the user based on the rights granted. It is well known in the art that the database record is accessed by the user based on the privilege access level. If the control access levels defined in the claims are different from the well known access control list, the applicant is advised to clarify that in the claimed language. Until then the cited prior art clearly shows that different users only get access to different subset of the whole database, wherein the customer

management tool allows access and manipulation of customer and product databases by different representative. The other claims should be allowable on their own merits also.

4. Applicant asserted that, based on the user's unique ID, the user is given access to some parts of the database but not to other parts of the database and other users are given access to those other parts of the database is supported by the Applicant's disclosure page 25 lines 6 through 32. However the applicant disclosure only has 23 pages. It is unclear as which page of the specification applicant is relied upon to support such claimed limitation.

Claim 29 defines a computer readable medium which has many of the advantages discussed above, and should also be treated for similar and analogous reasons to those discussed above.

5. Applicant asserted that Henderson does not disclose different access granted to different users based on their user id, as claimed. The examiner disagrees with the precedent assertion. Such different access granted as disclosed by the applicant is part of the identification and authentication management of Mikurak, wherein a login Id and password is provided to a support representative, wherein the authentication module recognizes the support representative's credentials, checks via module that the support representative has been granted access to user data for the particular user, and allows the support representative to access user data, wherein the support representative logs in using a special login Id and password that is only effective for the current support session, or some other limited time period or number of accesses. So the login Id and password is communicated to the support representative, when the user activates support representative access, see fig.76).

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-4, 7-9, 11-14, 43-42 and 45-52 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 43 recites a system for managing customer and product information. Such a system is not embedded in processor and memory to perform the steps as claimed. The use of the word system does not inherently mean that the claim is directed to a machine. Only if at least one of the claimed elements of the system is a physical part of a device can the system as claimed constitute part of a device or a combination of devices to be a machine within the meaning of 101. The memory is not an element of the claimed system, but instead is, at best, for use with the claimed system. After further review the specification. It is evident that system would suggest to one of ordinary skill that all may be reasonable implement as software routines.

Claim 1 is a method for managing customer and product information. Such a method is not qualified as a statutory process because the claim is not positively tied by the identifying apparatus. The method claimed does not embed in a memory or processor to perform the method as claimed. Therefore, the claims 1-4, 7-9, 11-14, 43-42 and 45-52 are rejected for failing to fall within a statutory category of invention.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-4, 7-9, 11-14, 29-32, 35-37, 39-43 and 45-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed features “based on the user's unique ID, the user is given access to some parts of the database but not to other parts of the database and other users are given access to those other parts of the database” in claims 1, 29, and 43 are not supported by the as-filed disclosure, which is violated the written description requirement. The applicant stated that such claimed features are supported in the specification page 25, lines 6-25. However, the specification was reviewed entirely, not such page and line numbers was found. In re Rasmussen, 650 F.2d 1212, 211 USPQ 323 (CCPA 1981). Applicant should duly note that the first paragraph of 35 U.S.C. 112 requires that the “specification shall contain a written description of the invention”. Applicant should also note that the essential goal of the description of the invention requirement is to clearly convey the information that an applicant has invented the subject matter which is claimed; and to put the public in possession of what the applicant claims as the invention.” Furthermore, the written description requirement of the Patent Act promotes the progress of the useful arts by ensuring that patentees adequately describe their inventions in their patent specifications in exchange for the right to exclude others

from practicing the invention for the duration of the patent's term. Indeed, the specification does not satisfy the written description requirement because the specification does not describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention.

Double Patenting

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 1-4, 7-9, 11-14, 29-32, 35-37 and 39-52 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 45-111 of the U.S. co-pending application serial number 10/416,410. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented. Although

the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-4, 7-9, 11-18, 21-23, 25-32, 35-37 and 39-42 of the instant application substantially recite the limitations of claims 45-111 of the cited co-pending application. Therefore, it would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the cited steps as indicated claims 1-4, 7-9, 11-18, 21-23, 25-32, 35-37 and 39-42 of the instant application by substitute the steps of allowing a first and second client representative to update the customer database from information received from customer and to access the multi-functional customer relationship tool over the internet to further update product record with the step of creating an electronically accessible report containing said requested information and providing said electronically accessible report to a requesting client representative recited in the co-pending application since the omission and addition of the cited limitations would have not changed the process according to which the method and system for managing and reporting customer and product information over a network. Therefore, the use of allowing a first and second client representative to update the customer database and access the multi-function management tool and creating a report would be an obvious variation in the art of managing the customer and product information for the purpose of achieving the same end results and would not interfere with the functionality of the steps previously claimed and would perform the same function.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 1-4, 7-9, 11-14, 29-32, 35-37, 39-43 and 45-52 as best understood by the examiner are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson et al., (hereinafter "Henderson") US Patent no. 6,327,363 and Mikurak; Michael US Patent no. 6606744 and further in view of Kirkpatrick et al., (hereinafter "Kirkpatrick") US Patent Application Publication no. 2001/0042022.

As to claim 1, Henderson discloses a system for providing customer service using a network-based database and more specifically to an application (multi-functional management tool) that collects and stores customer, vendor, and products information data (col.1, lines 16-19). In particular, Henderson discloses the claimed "accessing a customer database including customer records, wherein each customer record tracks a customer" the transaction database 210 includes a

customer database that keep track of the customer activity (col.3, lines 13-16, 32-38 and 50-57); “accessing a product database including product records, wherein each product record tracks a customer” the transaction database 210 includes a product database that keep track product information with respect to customer activity (col.3, lines 13-16, 32-38 and 50-57); “accessing multi-functional customer relationship management tool, wherein each module enables specific access and manipulation of the customer and product database by at least multiple different clients representative respectively representing multiple different clients” (by determining appropriate service center based on the customer request, see col.3, lines 50-61); and “allowing first representative to review previous customer contact, product information and servicing information associated with the first subset but not allowing said first representative to access any information other than said first subset including not allowing said first representative to access said inventory information”(col.6, lines 28-39, in response to a random, non-automated contract from the customer through a telephone call or by email col.5, lines 42-51; col.6, lines 8-14). However, Henderson does not explicitly enable the client representative to update the customer database from information received from the customer to add or modify a specific customer record logging the customer contact and recording any new product or warranty purchase information service request, return merchandise request or complaint using at least one of the plurality of modules.

Mikurak, on the other hand, discloses the claimed “enabling the client representative to update the customer database from information received from the customer to add or modify a specific customer record logging the customer contact and recording any new product or warranty purchase information service request, return merchandise request or complaint using at

least one of the plurality of modules” (col.163, lines 32-65; col.162, lines 46-67). It would have been obvious to one having ordinary skill in the art at the invention was made to modify the Henderson’ system by incorporating the use of allowing the client representative to update the customer database from information received from the customer to add or modify a specific customer record logging the customer contact and recording any new product or warranty purchase information service request, return merchandise request or complaint using one of the plurality of modules as discloses by Mikurak (col.163, lines 32-65; col.162, lines 46-67). One having ordinary skill in the art would have found it motivated to use such a modification for the purpose of allowing customer to customize the received services, thereby improving customer relation and reduces the cost of customer service. In addition, Mikurak disclosed the claimed “defines a unique identification identifies the users and their access to the different databases, wherein different users only get access to different subset of the whole database, wherein the customer management tool allows access and manipulation of customer and product databases by different representatives, wherein different access granted to different users based on their user id’ (different access granted as disclosed by the applicant is part of the identification and authentication management of Mikurak, wherein a login Id and password is provided to a support representative, wherein the authentication module recognizes the support representative’s credentials, checks via module that the support representative has been granted access to user data for the particular user, and allows the support representative to access user data, wherein the support representative logs in using a special login Id and password that is only effective for the current support session, or some other limited time period or number of accesses. So the login Id

and password is communicated to the support representative, when the user activates support representative access, see fig.76).

Neither Henderson nor Mikurak discloses the use of allowing a second representative associated, access to a second subset of information including said inventory information to update inventory information in a product record regarding a product at a warehouse location".

Kirkpatrick, however, discloses an analogous system for determining purchasing behavior of customers. In addition, Kirkpatrick discloses the claimed "allowing a second representative associated, access to a second subset of information including said inventory information to update inventory information in a product record regarding a product at a warehouse location" by providing consumers at the third party a management tool to access customer product database and allowing them to monitor product database, wherein such a management tool allows consumers to inventory the database product at the service center {paragraph [0041], [0042], [0043]}. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Henderson and Mikurak's combined system by incorporating the use of allowing a second client representative located at a different site to further update record using at least one of the plurality of modules to update inventory information of a product at a warehouse location as disclosed by Kirkpatrick. One having ordinary skill in the art would have found it motivated to use such a system of Kirkpatrick into Henderson and Mikurak's combined system because that would allow customer to participate in a product or warranty registration process in a more efficient and cost effective manner and thereby increases the customer participation within the product registration. Therefore, quickly

and easily registers products purchased at on-line site would allow for more facile management of assets.

As to claim 2, Henderson, Mikurak and Kirkpatrick disclose substantially the invention as claimed. In addition, Mikurak discloses the claimed “wherein the plurality of modules includes at least four members of a set of modules comprising a customer interaction module, a return merchandise management module, a warranty administration module, an e-mail module, an inventory management module, a reporting system module and a credit card processing module” (The web customer service component lists warranties for view by a user in operation, see FIG. 74. When a user has a product that requires service or return under the warranty, the identity of the user is checked to ensure that the user has registered. The claim made by the user is then checked and compared to the warranty to ensure that the claim meet warranty criteria for the requested service or replacement. Once validated, the claim is routed to the appropriate agent, see col.162, lines 47-67),

As to claims 3-4, Henderson, Mikurak and Kirkpatrick disclose substantially the invention as claimed. In addition, Mikurak discloses the claimed “transmitting to the at least one client representative over the Internet an input page in which the at least one client representative enters data to update the customer database” (see fig.74, the web customer service).

As to claims 7-9, Henderson, Mikurak and Kirkpatrick disclose substantially the invention as claimed. In addition, Mikurak discloses the claimed “processing a payment for a purchase of the

product or an extended warranty from information stored in one of the customer records in the customer database” (checking the user identity to ensure that the user has registered and the claim made by the user is then checked and compared to the warranty to ensure that the claim meet warranty criteria for the requested service or replacement); “updating the customer and product records to account for the purchase of the product; and updating the customer record to account for the purchase of the extended warranty” (by displaying the total price of the items that are selected along with shipping information, wherein the user is allowed to modify the predetermined set of items that are selected.).

As to claim 11, Henderson, Mikurak and Kirkpatrick disclose substantially the invention as claimed. In addition, Mikurak discloses the claimed “enabling to a return merchandise management module by a repair facility representative; and producing a printable sheet with a bar code identifying a returned product using a commercial bar code font to code the bar code” (When a user has a product that requires service or return under the warranty, the identity of the user is checked to ensure that the user has registered, wherein the claim made by the user is then checked and compared to the warranty to ensure that the claim meet warranty criteria for the requested service or replacement, and once validated, the claim is routed to the appropriate agent, see col.162, lines 47-67).

As to claims 12-14, Henderson, Mikurak and Kirkpatrick disclose substantially the invention as claimed. In addition, Mikurak discloses the claimed “interlinking a third party shipping software

with the product database; and updating the product database from information received from the third party shipping software to add or modify a specific product record indicating shipping information about the product" (by displaying the total price of the items that are selected along with shipping information, wherein the user is allowed to modify the predetermined set of items that are selected).

As to claims 29-32, 35-37 and 39-42:

Claims 29-32, 35-37, 39-42 are computer programs comprising instruction for executing the method of claims 1-4 and 7-9, 11-14 above. They are, therefore, rejected under the same rationale.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jean M Corrielus/
Primary Examiner, Art Unit 2162

December 9, 2008